

ASSEMBLY BILL

No. 1281

Introduced by Assembly Member Portantino

February 27, 2009

An act to add Section 49062.5 to the Education Code, relating to pupil data.

LEGISLATIVE COUNSEL'S DIGEST

AB 1281, as introduced, Portantino. Pupil data: California School Racial Equality Designation Act.

(1) Existing law establishes the public elementary and secondary school system in this state. Under this system, school districts throughout the state provide instruction to pupils in kindergarten and grades 1 to 12, inclusive, at the public elementary and secondary schools.

This bill would enact the California School Racial Equality Designation Act. The bill would express findings and declarations of the Legislature relating to the collection of data on the race or ethnicity of persons who identify themselves as members of more than one race.

The bill would require any public elementary or secondary school in this state that directly, or by contract, collects demographic data on the race or ethnicity of its pupils to provide forms that offer respondents the option to select one or more racial designations pursuant to prescribed federal guidelines and to ensure that the data is tabulated and reported as specified. The bill would require public elementary schools, as well as local educational agencies, to comply as early as reasonably feasible when updating forms, software, hardware, or information collection procedures pursuant to the bill, but in no event later than the commencement of the fall semester of the 2010–11 academic year.

Because this bill would impose new duties on local educational agencies, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49062.5 is added to the Education Code,
2 to read:

3 49062.5. (a) This section shall be known and may be cited as
4 the California School Racial Equality Designation Act.

5 (b) The Legislature hereby finds and declares all of the
6 following:

7 (1) The State of California currently has the largest population
8 of people among the 50 states who checked more than one race in
9 the 2000 Census, which provided the first-ever option for
10 respondents to identify themselves as members of more than one
11 race, and this population of Californians who identify themselves
12 as such is rapidly growing.

13 (2) Many California public elementary and secondary school
14 forms currently require that pupils or their parents choose only a
15 single race when racial classifications are required, and this forces
16 them to deny a significant part of their heritage and choose between
17 their parents. Information collected in this manner often deprives
18 the state of accurate data with which to meet the needs of its diverse
19 communities. These children need to see a place for them on forms,
20 using dignified, clear, and consistent terminology deemed most
21 appropriate by the multiracial community.

22 (3) It is in the best interests of the State of California to collect
23 accurate biracial and multiracial data relating to children in the
24 California public schools, as 42 percent of persons who chose more
25 than one race on the 2000 Census were under the age of 18 and
26 fall into the age range of elementary and secondary school pupils.

1 Demographic classifications should be sensitive to the needs of
2 interracial families and multiracial children so that they can
3 embrace their entire heritage in future years.

4 (4) Respect for individual dignity should guide the processes
5 and methods for collecting and encoding data on race and equality.

6 (5) Since 1997, the “Standards for Maintaining, Collecting, and
7 Presenting Federal Data on Race and Ethnicity” of the federal
8 Office of Management and Budget have required federal agencies
9 to ensure that individuals have the option of selecting one or more
10 ethnic or racial designations on federal government forms
11 requesting this information.

12 (6) This is the ideal time to close the gap in disparity in proper
13 terminology for biracial and multiracial children. This timing
14 coincides with the changes in federal guidelines. School is usually
15 the place where children first see and understand appropriate
16 terminology for themselves and their peers. Ten states have adopted
17 a true multiracial classification in addition to a large number of
18 individual school districts in other states. The treatment of
19 California’s pupil population in this regard should be proactive
20 and progressive on this issue.

21 (c) Any public elementary or secondary school in this state that
22 directly, or by contract, collects demographic data on the race or
23 ethnicity of its pupils shall do all of the following:

24 (1) Provide forms that offer respondents the option to select one
25 or more racial designations pursuant to guidelines of the United
26 States Department of Education, and designate written instructions
27 such as: “Choose one; or, if you consider yourself to be biracial
28 or multiracial, choose two or more.”

29 (2) Ensure, in cases where data on the race and ethnicity of
30 pupils are reported to any other state agency, board, or commission,
31 that those data are neither tabulated nor reported without all of the
32 following:

33 (A) The number or percentage of respondents who identify with
34 each racial designation alone and not in combination with any
35 other ethnic or racial designation.

36 (B) The number or percentage of respondents who identify with
37 each ethnic or racial designation, whether alone or in combination
38 with other ethnic or racial designations.

1 (C) The number or percentage of respondents who identify with
2 multiple ethnic or racial designations, reported as “biracial or
3 multiracial (two or more races).”

4 (D) For civil rights monitoring and enforcement, complying
5 with the rules for multiple race response allocation issued by the
6 federal Office of Management and Budget Bulletin No. 00-02 in
7 cases of state or federally mandated actions related to an ethnic or
8 a racial community, or to assessing disparate impacts or
9 discriminatory patterns. In these cases, the requirements of
10 subparagraph (C) shall not be considered to be satisfied without
11 concurrent compliance with subparagraphs (A) and (B), as well
12 as this subparagraph.

13 (d) Each local educational agency or public elementary or
14 secondary school that is required to comply with subdivision (c)
15 shall comply as soon as reasonably feasible when updating forms,
16 software, hardware, or information collection procedures, and in
17 no event later than the commencement of the fall semester of the
18 2010–11 academic year.

19 (e) Each public elementary or secondary school shall offer an
20 opportunity to its pupils and staff, and encourage them, to reidentify
21 their race or ethnicity using the new forms developed pursuant to
22 this section as soon as these forms are available.

23 SEC. 2. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.